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2 *E-Filed 8/20/12*
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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION
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12 PAUL OLIVER,
13 Petitioner,
14 v.
15 MICHAEL MARTEL,
16 Respondent.
17 _____ /
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20 No. C 11-5740 RS (PR)
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23 **ORDER OF DISMISSAL**
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25 This is a federal habeas corpus action. The petition was dismissed with leave to
26 amend within 30 days. Instead of filing an amended petition, petitioner filed a motion to stay
27 the action. The Court had instructed petitioner that in his amended petition he had to
28 address the issue of exhaustion, and that he could include a motion to stay the action. All
this, however, was to be included in an amended petition, which has not been filed. Because
petitioner has failed to comply with the Court's order, the action is DISMISSED without
prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute. Any motion
to reopen the action must contain an amended petition detailing all claims, exhausted and
unexhausted, petitioner wishes to present for review. Any future motion to stay the action
must, unlike the one petitioner filed, make a showing of good cause justifying a stay of the
proceedings.

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30 **IT IS SO ORDERED.**
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32 DATED: August 20, 2012
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35 RICHARD SEEBORG
36 United States District Judge
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